

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Dingding CHEN et al.	§	Confirmation No.:	7123
Serial No.:	10/600,991	§	Group Art Unit:	2129
Filed:	June 19, 2003	§	Examiner:	Benjamin J. Buss
For:	Processing Well Logging Data with Neural Network	§	Docket No.:	1391-20308

PETITION UNDER 37 C.F.R. 1.78(a)(3)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: April 20, 2010

Sir:

By this paper the Applicants do hereby petition under Rule 78 to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed application, and show as follows:

I. BACKGROUND FACTS

The current application was filed on June 19, 2003. The application as originally filed contained a claim to priority indicating:

This application claims the benefit of PCT/US01/49193, filed December 19, 2001, entitled "Processing Well Logging data With Neural Network" which claims priority from U.S. Provisional 60/256,679; filed December 19, 2000 and U.S. Provisional 60/299,002; filed June 18, 2001.¹

The Examiner, Benjamin Buss, noted the claim for priority in the first Office Action stating:

Examiner acknowledges Applicant's claim for priority based on PCT/US01/49193 filed on 12/19/2001, which claims priority from U.S. Provisional 60/299,002 filed on 6/19/2001 and U.S. Provisional 60/256,279 filed on 12/19/2000.²

Moreover, it appears that all the art applied in rejecting the claims had priority dates prior to the earliest provisional application upon which priority was based.

¹ Specification Page 1, Paragraph 1, Lines 1-4.

² Office Action dated March 22, 2006, Page 2, Paragraph under the Heading "Priority".

Upon an analysis of the case in view of the Notice of Allowance issued April 14, 2010, it was noted that the filing receipt did not accurately reflect the claim for priority to the PCT and provisional applications.

II. PETITION

Applicants do hereby petition under 37 C.F.R. 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of the prior filed application.

In a concurrently filed Preliminary Amendment (that accompanies a Request for Continued Examination), Applicants amend the specification to make more clear that the current application is a continuation of the PCT application PCT/US01/49193. Moreover, Applicants submit concurrently with the Preliminary Amendment an Application Data Sheet which specifically sets forth the continuation status of the current application.

Applicants hereby respectfully submit that the entire delay between the date the claim was due under Paragraph (a)(2)(ii) of 37 C.F.R. 1.78 and the date of this Petition was unintentional.

Applicants respectfully further submit that given that Examiner Buss applied the priority in the prosecution of the current case, no prejudice will result in acceptance of the claim for priority in the current case.

III. CONCLUSION

Applicants therefore respectfully request that the current application be given the benefit of the earlier filed PCT application, and that both the filing receipt and any issued patents note the priority.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this

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paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Conley Rose, P.C. Deposit Account No. 03-2769.

Respectfully submitted,

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